

REMARKS

Forty-two claims are currently pending in the present Application. Claims 1-42 currently stand rejected. Claims 1, 6, 18, 21, 26, 38, and 41-42 are amended, and new claims 43-45 are added herein. Reconsideration of the Application in view of the foregoing amendments and the following remarks is respectfully requested.

35 U.S.C. § 102(e)

On page 2 of the Office Action, the Examiner rejects claims 1-2, 11-12, 18-19, 21-22, 38-39, and 41-42 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,124,123 to Roskind et al. (hereafter Roskind). The Applicants respectfully traverse these rejections for at least the following reasons.

“For a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be *identically* shown in a single reference.” *Diversitech Corp. v. Century Steps, Inc.*, 7 USPQ2d 1315, 1317 (CAFC 1988). The Applicants submit that Roskind fails to identically teach every element of the claims, and therefore does not anticipate the present invention.

Regarding the Examiner’s rejection of independent claims 1, 21, and 41-42, Applicants respond to the Examiner’s §102 rejections as if applied to similarly-amended independent claims 1, 21, and 41-42. For example, amended claim 1 now recites “*said user interface application selectively generating display widgets that include a main widget, a connect widget, and an alert widget that are displayed on different discrete portions of said display as separate parts of said*

*user interface, said display widgets being selectively generated **only** in response to user widget-selection input from a device user of said electronic device, said alert widget providing alert information for multiple different types of alert states*

(emphasis added), which are limitations that are not taught or suggested either by the cited reference, or by the Examiner's citations thereto.

Roskind teaches an "electronic assistant" software program that automatically responds to instant messages when a device user is offline or otherwise unavailable. In other words, Roskind is directed towards using software to automatically respond to instant messages without human intervention (see column 2, lines 15 through 29). In contrast, Applicants' claimed invention is specifically directed towards an improved user interface that is expressly designed for user participation in various communication sessions with other buddy devices. Applicants therefore submit that Roskind *teaches away* from Applicants' invention.

The Examiner cites the background section of Roskind against Applicants limitations regarding "selectively generating" various "widgets" in response to user input from "a device user." Applicants respectfully traverse. The background section of Roskind states only that "a user may manipulate the user interface to initiate instant messaging communications with the buddy" (emphasis added). Applicants submit that a simple interface to "initiate" communications does not read on Applicants' "main widget," "connect widget," and "alert widget" that perform a significantly greater number of user interface functions.

Furthermore, the teachings of the background section of Roskind conflict directly with the primary teachings of Roskind. In particular, Roskind is specifically directed to environments in which the device user is “away” or not present. Therefore, any attempt to combine the background teachings of Roskind (where the device user is required to be present) with the primary teachings of Roskind (where the device user required to be absent) would defeat the entire purpose of Roskind’s invention, and thus essentially render the invention of Roskind unnecessary, useless, and inoperative.

In addition, Applicants submit that Roskind is silent with respect to how any such user interface might be generated. In contrast, Applicants expressly disclose and claim “*said display widgets being selectively generated only in response to user widget-selection input from a device user*” (emphasis added). Furthermore, Roskind discloses only two different user interface windows or widgets (see FIG. 2A and FIG. 2B). In contrast, Applicants expressly recite “*generating a main widget, a connect widget, and an alert widget as separate parts of said user interface.*” Applicants further claim “*said alert widget providing alert information for multiple different types of alert states*” (emphasis added).

The Examiner cites column 1, lines 39-42, of Roskind against Applicants’ “alert widget.” Applicants respectfully traverse. Column 1, lines 39-42, of Roskind is limited only to sending a preset return message when a user is “away.” Applicants submit that Roskind nowhere teaches a separate “alert widget” that provides notifications regarding “multiple different types of alert states,” as claimed by Applicants. For all of the foregoing reasons, Applicants submit that

amended claims 1, 21, and 41-42 are not anticipated by the teachings of Roskind.

Regarding the Examiner's rejection of dependent claims 2, 11-12, 18-19, 22, 38-39, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 2, 11-12, 18-19, 22, 38-39 so that these claims may issue in a timely manner.

With further regard to the rejection of claim 12, the Examiner cites Figure 2A of Roskind in support of this rejection. Applicants submit that Figure 2A of Roskind nowhere teaches "*said buddy information includes a buddy group name, an on-line/off-line status icon, a buddy screen name, a buddy resource name, and a listing of network services available for performing network service sharing procedures over said electronic network*" as disclosed and claimed by Applicants.

In particular, Applicants submit that the "IM, Chat, Write" buttons cited by the Examiner from FIG. 2A of Roskind are not the same as Applicants' "listing of network service" because the cited buttons are simple function icons, and are not a "listing" corresponding to individual buddies. The cited buttons are therefore not "buddy information." Furthermore, Applicants submit that the "Co-Workers" cited by the Examiner from FIG. 2A is not a "buddy resource name," as recited by Applicants.

Regarding the rejections of claims 18-19 and 38-39, the Examiner cites certain passages of Roskind in support of these rejections. Applicants submit that the cited passages of Roskind fail to teach any sort of “alert widget” with the specific detailed functionalities that are expressly disclosed and claimed by Applicants. In particular, Applicants submit that Roskind fails to teach “*said alert messages including any of an error message, a subscription request for a buddy list, an invitation for sharing content information, a single message in a single message mode, and retrieved profile information,*” or “*said alert widget functions in a notification mode in which no response is required from a device user, said alert widget alternately functioning in a decision mode in which a decision is required by said device user to approve or disapprove a particular one of said alert messages.*”

Because a rejection under 35 U.S.C. §102 requires that every claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Roskind to identically teach the claimed invention, Applicants therefore respectfully request reconsideration and allowance of claims 1-2, 11-12, 18-19, 21-22, 38-39, and 41-42.

35 U.S.C. § 103

On page 5 of the Office Action, the Examiner rejects claims 3-4, 6-15, 17, 20, 23-24, 26-35, 37, and 40 under 35 U.S.C. § 103 as being unpatentable over Roskind in view of U.S. Patent Publication No. 2002/0130904 to Becker et al.

(hereafter Becker). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a) which requires that three basic criteria must be met, as set forth in M.P.E.P. §2142:

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations" (emphasis added).

The initial burden is therefore on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 3-4, 6-15, 17, 20, 23-24, 26-35, 37, and 40, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 3-4, 6-15, 17, 20, 23-24, 26-35, 37, and 40 so that these claims may issue in a timely manner.

With further regard to claims 3 and 23, the Examiner states that “Roskind teaches all the different the functions” of the various claimed tabs from Applicants’ *“main widget.”* Applicants traverse, and submit that Roskind fails to teach the disclosed and claimed functions of their “main widget.” For example, Roskind fails to disclose explicit details regarding “an info tab” for generating information requests to other users.

With further regard to claims 3 and 23, the Examiner concedes that Roskind “does not teach these functions as tabs.” Applicants concur. The Examiner then points to Becker to purportedly remedy these deficiencies. Applicants respectfully traverse. Becker is limited to teaching the use of tabs only for switching between different messaging buddies (see FIG. 1). Becker nowhere teaches utilizing different tabs to compactly nest different functionalities in a “main widget,” as claimed by Applicants in claims 3 and 23. In particular, Becker nowhere teaches “said main widget includes a presence tab, a MEET tab, a buddy tab, a content tab, an info tab, and a main window area.” In addition, Applicants further submit that Roskind likewise fails to teach the limitations of claims 3 and 23.

The Examiner cites Becker as support for the rejections of Applicants’ various claimed tabs and their respective accompanying widgets. Applicants respectfully submit that utilizing tabs in user interfaces has likely been known in the corresponding art for some time. Applicants therefore submit that their unique solution of utilizing a “*main widget*” to efficiently perform their claimed

“*network communications procedure*” indicates the clear existence of secondary indicia of non-obviousness.

For example, there apparently has been a long-felt need for Applicants’ solution in the relevant technological field. Furthermore, other entities and individuals in analogous arts have apparently failed to successfully overcome the foregoing problems in the manner disclosed by Applicants. For at least these reasons, Applicants therefore request reconsideration and withdrawal of the rejections of claims 3 and 23.

Regarding the rejections of claims 7-8 and 27-28, the Examiner cites certain passages of Roskind in support of these rejections. Applicants submit that the cited passages of Roskind fail to teach any sort of specific techniques for “*editing said shareable content information*” or for “*viewing a list of previously-defined shareable content information*,” as disclosed and claimed by Applicants. Applicants therefore respectfully request the Examiner to reconsider and withdraw the rejections of claims 7-8 and 27-28.

Regarding the rejections of claims 9-10 and 29-30, the Examiner cites certain passages of Roskind in support of these rejections. Applicants submit that the cited passages of Roskind fail to teach any sort of “*request for profile information*” and related specific types of profile information; as disclosed and claimed by Applicants. Applicants therefore request reconsideration of the rejections of claims 9-10 and 29-30.

Furthermore, with regard to claims 10 and 30, without providing any references as support, the Examiner states that “[i]t is reasonable and well known

that a profile can consist of any information that would be pertinent to the system at hand. It appears that the Examiner is utilizing Official Notice without expressly stating so. Applicants submit that the particular combination of claimed limitations would not be obvious to one skilled in the art at the time of the invention. Applicants further submit that the Examiner has improperly utilized Official Notice because the cited limitations are uniquely utilized by the Applicants to produce novel combinations that are not well-known or predictable. Applicants therefore respectfully request the Examiner to cite specific references in support of these rejections, and failing to do so, to reconsider and withdraw the rejections of claims 10 and 30 so that the present Application may issue in a timely manner.

For at least the foregoing reasons, the Applicants submit that claims 3-4, 6-15, 17, 20, 23-24, 26-35, 37, and 40 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 3-4, 6-15, 17, 20, 23-24, 26-35, 37, and 40 under 35 U.S.C. § 103.

On page 10 of the Office Action, the Examiner rejects claims 5 and 25 under 35 U.S.C. § 103 as being unpatentable over Roskind and Becker in view of U.S. Patent No. 7,084,754 to Benejam et al. (hereafter Benejam). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima*

facie case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 5 and 25, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 5 and 25 so that these claims may issue in a timely manner.

With further regard to the rejections of claims 5 and 25, the Examiner cites column 3, lines 13-27, of Benejam against Applicants' claimed "presence attributes." Applicants traverse. Benejam teaches a displaying a "communication availability" of a user. However, Applicants' claimed "visibility attribute" pertains only to being visible to other devices, and may be selected when the device user is currently communicating on-line. Furthermore, Benejam fails to teach actively "selecting" these various "presence attributes," depending upon a device user's choice.

For at least the foregoing reasons, the Applicants submit that claims 5 and 25 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that

the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 5 and 25 under 35 U.S.C. § 103.

On page 11 of the Office Action, the Examiner rejects claims 16 and 36 under 35 U.S.C. § 103 as being unpatentable over Roskind and Becker in view of U.S. Patent No. 7,127,685 to Canfield et al. (hereafter Canfield). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations. The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 16 and 36, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 16 and 36 so that these claims may issue in a timely manner.

With further regard to the rejections of claims 16 and 36, the Court of Appeals for the Federal Circuit has held that "obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination." In re Geiger, 815 F.2d 686, 688, 2 U.S.P.Q.2d 1276, 1278 (Fed. Cir. 1987).

Applicants submit that the particular combination of claimed limitations would not be obvious to one skilled in the art at the time of the invention. Applicants submit that the cited references do not suggest a combination that would result in Applicants' invention, and therefore the obviousness rejection under 35 U.S.C §103 is improper

For at least the foregoing reasons, the Applicants submit that claims 16 and 36 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 16 and 36 under 35 U.S.C. § 103.

New Claims

The Applicants herein submit additional claims 43-45 for consideration by the Examiner in the present Application. The new claims 43-45 recite specific detailed embodiments for implementation and utilization of Applicants' invention, as disclosed and discussed in the Specification. Applicants submit that newly-added claims 43-45 contain a number of limitations that are not taught or suggested in any of the cited references.

In particular, Applicants submit that the cited references fail to teach "said main widget having a series of main tabs that said device user utilizes to temporarily display corresponding respective main interfaces, said main tabs including a presence tab for displaying online and offline presence interfaces, a MEET tab for displaying a MEET interface, a buddy tab for displaying a MEET interface, a content tab for displaying online and offline content interfaces, and an info tab for displaying an info interface, said main interfaces being concealed when corresponding ones of said main tabs are not activated by said device user," as recited in independent claim 43.

In addition, Applicants submit that the cited references fail to teach "said user interface application dynamically displays said alert widget upon a portion of said display for viewing corresponding alert messages relating to status changes or other events in any of said electronic device, one or more buddy devices, a network server device, and said electronic network, said alert messages including any of an error message, a subscription request for a buddy list, an invitation for

sharing content information, a single message in a single message mode, and retrieved profile information,” as recited in dependent claim 44.

Furthermore, Applicants submit that the cited references fail to teach “said alert widget functions in a notification mode in which no response is required from a device user, said alert widget alternately functioning in a decision mode in which a decision is required by said device user to approve or disapprove a particular one of said alert messages,” as recited in dependent claim 45.

Summary

Applicants submit that the foregoing amendments and remarks overcome the Examiner's rejections. Because the cited references, and the Examiner's citations thereto, do not teach or suggest the claimed invention, and in light of the differences between the claimed invention and the cited prior art, Applicants therefore submit that the claimed invention is patentable over the cited art, and respectfully request the Examiner to allow claims 1-45 so that the present Application may issue in a timely manner. If there are any questions concerning this Response, the Examiner is invited to contact the Applicants' undersigned representative at the number provided below.

Respectfully submitted,

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By: 
Gregory J. Koerner, Reg. No. 38,519
Redwood Patent Law
1291 East Hillsdale Blvd., Suite 205
Foster City, CA 94404
Tel: (650) 358-4000